### UNITED STATES COURT OF FEDERAL CLAIMS

SPACE EXPLORATION COMPANY TECHNOLOGIES CORP., Plaintiff	) ) )
v.	)
THE UNITED STATES, Defendant	) Case No. 1:14-cv-00354-SGB ) Judge Susan G. Braden
and	)
UNITED LAUNCH SERVICES, LLC, Defendant-intervenor	) ) _)

### APPLICATION FOR ACCESS TO INFORMATION UNDER PROTECTIVE ORDER BY EXPERT CONSULTANT OR WITNESS

1. I, T. David Crosse, am a retiree from United Launch Services, LLC, and hereby apply for access to protected information covered by the Protective Order issued in connection with this proceeding.

2. I have been retained by Charles J. Cooper, Cooper & Kirk PLLC and will, under the direction and control of that attorney, assist in the representation of United Launch Services, LLC in this

proceeding.

- 3. I hereby certify that I am not involved in competitive decision making as discussed in *US. Steel Corp. v. United States*, 730 F.2d 1465 (Fed. Cir. 1984), for or on behalf of any party to this proceeding or any other firm that might gain a competitive advantage from access to the information disclosed under the protective order. Neither I nor my employer provides advice or participates in any decisions of such parties in matters involving similar or corresponding information about a competitor. This means, for example, that neither I nor my employer provides advice concerning, or participates in decisions about, marketing or advertising strategies, product research and development, product design or competitive structuring and composition of bids, offers, or proposals with respect to which the use of protected information could provide a competitive advantage.
- 4. My professional relationship with the party for whom I am retained in this proceeding and its personnel is strictly as a consultant on issues relevant to the proceeding. Neither I nor any member of my immediate family holds office or a management position in any company that is a party in this proceeding or in any competitor or potential competitor of a party.
- 5. I have attached the following information:
- a. a current resume describing my education and employment experience to date;

#### See Attachment A

b. a list of all clients for whom I have performed work within the two years prior to the date of this application and a brief description of the work performed;

#### See Attachment B.

c. a statement of the services I am expected to perform in connection with this proceeding;

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#### See Attachment C

d. a description of the financial interests that I, my spouse, and/or my family has in any entity that is an interested party in this proceeding or whose protected information will be reviewed; if none, I have so stated;

### See Attachment D

e. a list identifying by name of forum, case number, date, and circumstances all instances in which I have been granted admission or been denied admission to a protective order, had a protective order admission revoked, or have been found to have violated a protective order issued by an administrative or judicial tribunal; if none, I have so stated; and

#### See Attachment E

- f. a list of the professional associations to which I belong, including my identification numbers. See Attachment F
- 6. I have read a copy of the Protective Order issued by the court in this proceeding. I will comply in all respects with all terms and conditions of that order in handling any protected information produced in connection with the proceeding. I will not disclose any protected information to any individual who has not been admitted under the Protective Order by the court.
- 7. For a period of five years after the date this application is granted, I will not engage or assist in the preparation of a proposal to be submitted to any agency of the United States government for Space Launch Vehicle Services when I know or have reason to know that any party to this proceeding, or any successor entity, will be a competitor, subcontractor, or teaming member.

Maril Crane	30 Sept	2014
Signature of Expert or Consultant	Date Executed	
T. David Crosse Typed Name and Title		
805 691-9434 Telephone & Facsimile Numbers		

crossedaye@comcast.net

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Signature of Attorney of Record

September 30, 2014
Date Executed

Charles J. Cooper

E-mail Address

Typed Name and Title

(202) 220-9600 (202) 220-9601 Telephone & Facsimile Numbers

ccooper@cooperkirk.com

E-mail Address

### ATTACHMENT A RESUME FOR T. DAVID CROSSE

I have forty two year career in aerospace industry with the majority in launch vehicle engineering and launch site operations for the McDonnell-Douglas, Boeing and United Launch Alliance companies. I retired in January 2009 as Chief Engineer of the Delta II Program.

### Work Experience:

- 2002 to 2009: Chief Engineer, Delta II program, Boeing Corporation/ULA. I was responsible for mission success, technical operations and engineering launch decision authority. The program successfully launched 39 vehicles during that time for NASA, the Air Force and for ULA's commercial customers, from both Cape Canaveral and Vandenberg AFB. The Delta II-Heavy vehicle configuration was developed and successfully launched during my tenure.
- 1999 to 2002: Leader, Delta III Return-to-Flight project, Boeing Corporation. This project resulted in a complete flight with all hardware functioning successfully. Following the return-to-flight project, I also set up the independent Mission Assurance organization which was responsible for independent technical and risk assessments. This was in response to the USAF Broad Area Review and the Boeing Mission Assurance Review. The Mission Assurance Group covered the Delta II, Delta IV, and the Titan IV Fairing programs.
- 1989 to 1999: Director of Engineering, International Space Station Program, McDonnell Douglas/Boeing. As the Director of Engineering, managed a series of Integrated Product Teams.
- 1986 to 1989: **Senior Manager, Delta Mechanical Engineering, McDonnell Douglas.**Participated in the development of both the Delta II vehicle and the Titan IV payload fairing.
- 1967 to 1986 Engineer, McDonnell Douglas Corporation. Served as the engineering manager of the Delta launch team at CCAFS and a test engineer working on the launching of Delta and Thor launch vehicles.

#### **Education:**

1966 B.S.M.E., Indiana Institute of Technology

# ATTACHMENT B CLIENT LIST FOR T. DAVID CROSSE CLIENT DESCRIPTION OF WORK PERFORMED

I have performed no work within the two years prior to the date of this application for any client.

### ATTACHMENT C STATEMENT OF SERVICES FOR T. DAVID CROSSE

I have been retained to assist outside counsel for United Launch Services, LLC with respect to bid protest proceedings. My assistance is expected to include the review and analysis of engineering and program management, including analysis of documents related to new entrant certification and capabilities to perform EELV program missions.

### ATTACHMENT D SUMMARY OF RELEVANT FINANCIAL INTERESTS FOR T. DAVID CROSSE

I, T. David Crosse, and my wife and family hold financial interests as noted below in an interested party in this action or whose protected material will be reviewed. This statement does not pertain to mutual funds or other financial vehicles, which may be held by me, my wife or my family, for which the owner does not have control over individual purchases of securities.

Ownership of 145 shares of Boeing stock

## ATTACHMENT E PROTECTIVE ORDER HISTORY FOR T. DAVID CROSSE

I have never sought access to materials subject to a protective order.

## ATTACHMENT F PROFESSIONAL ASSOCIATION SUMMARY FOR T. DAVID CROSSE

None